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Proposed Attorneys for Debtors and Debtors-in-Possession

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X	
In re:	Chapter 11
FPSDA I, LLC,	Case No. 10-75439
Debtor.	
-----X	
In re:	Chapter 11
COMMACK ROAD DONUTS, LLC,	Case No. 10-75440
Debtor.	
-----X	
In re:	Chapter 11
FPSDA II, LLC,	Case No. 10-75441
Debtor.	
-----X	
In re:	Chapter 11
HIGHBRIDGE DONUTS, LLC,	Case No. 10-75442
Debtor.	
-----X	
In re:	Chapter 11
METRO SHOPS, LLC,	Case No. 10-75443
Debtor.	
-----X	
In re:	Chapter 11
MIDDLE COUNTRY ROAD DONUTS, LLC,	Case No. 10-75444
Debtor.	
-----X	

-----X	
In re:	Chapter 11
FIVE POINTS DEVELOPMENT PARTNERS, LLC,	Case No. 10-75445
Debtor.	
-----X	
In re:	Chapter 11
MOUNTAIN ROAD DONUTS, LLC,	Case No. 10-75446
Debtor.	
-----X	
In re:	Chapter 11
BENFIELD DONUTS, LLC,	Case No. 10-75447
Debtor.	
-----X	
In re:	Chapter 11
UPPER MARLBORO, LLC,	Case No. 10-75448
Debtor.	
-----X	
In re:	Chapter 11
CDDC HOLDING COMPANY, LLC,	Case No. 10-75449
Debtor.	
-----X	
In re:	Chapter 11
MILLER PLACE DONUTS, LLC,	Case No. 10-75450
Debtor.	
-----X	
In re:	Chapter 11
CDDC ACQUISITION COMPANY, LLC,	Case No. 10-75451
Debtor.	
-----X	
In re:	Chapter 11
1333 DONUTS, LLC,	Case No. 10-75452
Debtor.	
-----X	

-----X  
In re: Chapter 11  
D3C, LLC, Case No. 10-75453  
Debtor.

-----X  
In re: Chapter 11  
KINGDOM DONUTS, LLC, Case No. 10-75454  
Debtor.

-----X  
In re: Chapter 11  
BLUE POINT VENTURES, LLC, Case No. 10-75463  
Debtor.

-----X  
**MOTION OF DEBTORS PURSUANT TO RULE 1015(B)**  
**OF THE FEDERAL RULES OF BANKRUPTCY**  
**PROCEDURE FOR JOINT ADMINISTRATION OF CASES**

TO: THE HONORABLE DOROTHY S. EISENBERG,  
UNITED STATES BANKRUPTCY JUDGE:

FPSDA I, LLC, Commack Road Donuts, LLC, FPSDA II, LLC, Highbridge Donuts, LLC, Metro Shops, LLC, Middle Country Road Donuts, LLC, Five Points Development Partners, LLC, Mountain Road Donuts, LLC, Benfield Donuts, LLC, Upper Marlboro, LLC, CDDC Holding Company, LLC, Miller Place Donuts, LLC, CDDC Acquisition Company, LLC, 1333 Donuts, LLC, D3C, LLC, Kingdom Donuts, LLC, and Blue Point Ventures, LLC (collectively, the “Debtors”), by their attorneys, Ruskin Moscou Faltischek, P.C., make this application pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure for joint administration of their respective Chapter 11 cases (the “Motion”), and respectfully state and represent as follows:

### **JURISDICTION**

1. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

### **PROCEDURE**

3. On July 13, 2010 (the “Petition Date”), each of the Debtors except for Blue Point Ventures, LLC filed voluntary petitions with this Court for relief under Chapter 11 of Title 11 of the United States Code (“Bankruptcy Code”). Blue Point Ventures LLC filed its voluntary petition with this Court for relief under Chapter 11 of the Bankruptcy Code on July 14, 2010.

4. The Debtors continue to operate their businesses and manage their properties as debtors-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

### **RELIEF REQUESTED**

5. The Debtors hereby seek the joint administration of their Chapter 11 cases for procedural purposes only pursuant to Rule 1015(b) of the Federal Rules of Bankruptcy Procedure.

6. To the extent that any affiliate of the Debtors subsequently commences a Chapter 11 case, the Debtors request that the relief herein shall apply to such debtors and their respective estates.

### **GROUND FOR RELIEF**

7. Rule 1015(b) of the Rules provides:

If a joint petition or two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint administration of the estates.

8. The Debtors believe that these cases should be administered jointly because it will obviate the need for duplicative notices, applications and orders and thereby save considerable time and expense for the Debtors and their estates.

9. The rights of respective creditors of the Debtors will not be adversely affected by the proposed joint administration. In fact, the rights of all creditors will be enhanced by the reduction in administrative costs resulting from joint administration.

10. This Court will be relieved of the burden of entering duplicative orders and maintaining duplicative files. Furthermore, supervision of the administrative aspects of the Chapter 11 cases by the Office of the United States Trustee will be simplified.

11. By reason of the foregoing, the Debtors submit that the interests of the Debtors and their creditors would be best served by joint administration of the above-captioned cases.

#### **NOTICE**

12. As of the filing of this Motion, no trustee, examiner or creditors' committee has been appointed in these Chapter 11 cases. Notice of this Motion has been provided via facsimile, hand delivery or overnight mail to the (i) Ruskin Moscou Faltischek, P.C., East Tower, 15th Floor, 1425 RXR Plaza, Uniondale, NY 11556-1425, Attention: Harold S. Berzow, Esq. and Michael S. Amato, Esq., proposed counsel for Debtors; (ii) Lazer Aptheker Rosella & Yedid, PC, 225 Old Country Road, Melville, New York 11747, Attention: Steven B. Aptheker, Esq. and Robin Abramowitz, Esq., proposed special conflicts counsel for Debtors (iii) Office of the United States Trustee, Long Island Federal Courthouse, 560 Federal Plaza - Room 560, Central Islip, NY 11722, Attention: Stan Yang, Esq., and (iv) O'Rourke & Degen, PLLC, 225 Broadway, Suite 715, New York, New York 10007, Attention: Ronald D. Degen, (v) Windels Marx Lane & Mittendorf, LLP, 156 West 56<sup>th</sup> Street, New York, New York, 10019, Attention: Leslie S. Barr, Esq., counsel for Sovereign, (vi) Hahn & Hessen, LLP, 488 Madison Avenue, New York, New

York 10022, Attention: Roseanne Thomas Matzat, counsel for CIT. The Debtors submit that no other notice need be given in light of the exigencies of the circumstances and the harm to the Debtors, their estates and all parties-in-interest that would ensue if the relief requested herein were not granted.

**MEMORANDUM OF LAW**

13. Because there are no novel issues of law herein presented, the Debtors respectfully request that the Court waive the requirement of Local Bankruptcy Rule 9013 for the Eastern District of New York that the Debtors file a memorandum of law in support of the Motion.

14. No previous request for the relief sought herein has been made to this or any other Court.

WHEREFORE, the Debtors respectfully request that the Court enter an order pursuant to § 1015(b) of the Federal Rules of Bankruptcy Procedure for the joint administration of the above-captioned cases, and such other and further relief as may be just and proper.

Dated: Uniondale, New York  
July 21, 2010

RUSKIN MOSCOU FALTISCHEK, P.C.  
Proposed Attorneys for the Debtors  
and Debtors-in-Possession

By: 

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